

AT LYNCHBURG, VA

FILED

for Danville
MAY 22 2008

UNITED STATES DISTRICT COURT

for the

Western District of Virginia

JOHN F. CORCORAN, CLERK
BY: *Fay Coleman*
DEPUTY CLERK

United States of America)

v.)

Robert James Graves)

Case No: 4:99CR70049-001

USM No: 08203-084

Date of Previous Judgment: June 12, 2000

(Use Date of Last Amended Judgment if Applicable)

Defendant's Attorney

Order Regarding Motion for Sentence Reduction Pursuant to 18 U.S.C. § 3582(c)(2)

Upon motion of ☒ the defendant ☐ the Director of the Bureau of Prisons ☐ the court under 18 U.S.C. § 3582(c)(2) for a reduction in the term of imprisonment imposed based on a guideline sentencing range that has subsequently been lowered and made retroactive by the United States Sentencing Commission pursuant to 28 U.S.C. § 994(u), and having considered such motion,

IT IS ORDERED that the motion is:

☒ DENIED. ☐ GRANTED and the defendant's previously imposed sentence of imprisonment (as reflected in the last judgment issued) of _____ months is reduced to _____.

I. COURT DETERMINATION OF GUIDELINE RANGE (Prior to Any Departures)

Previous Offense Level: _____

Amended Offense Level: _____

Criminal History Category: _____

Criminal History Category: _____

Previous Guideline Range: _____ to _____ months

Amended Guideline Range: _____ to _____ months

II. SENTENCE RELATIVE TO AMENDED GUIDELINE RANGE

- ☐ The reduced sentence is within the amended guideline range.
- ☐ The previous term of imprisonment imposed was less than the guideline range applicable to the defendant at the time of sentencing as a result of a departure or Rule 35 reduction, and the reduced sentence is comparably less than the amended guideline range.
- ☐ Other (explain): _____

III. ADDITIONAL COMMENTS

Defendant was convicted of operating a continuing criminal enterprise in violation of 21 U.S.C. § 848, which by statute carries a mandatory term of life imprisonment. Amendment 706 to the United States Sentencing Guidelines has no effect on a sentence imposed pursuant to a statutory minimum. Therefore, Defendant is not eligible for a sentence reduction under 18 U.S.C. § 3582 (c)(2).

Except as provided above, all provisions of the judgment dated _____ shall remain in effect.

IT IS SO ORDERED.

Order Date: May 22, 2008

Norm K Moon
Judge's signature

Effective Date: _____
(if different from order date)

Norman K. Moon, United States District Judge
Printed name and title